

Attorney Docket No.: J3704(C)
Serial No.: 10/538,360
Filed: June 13, 2005
Confirmation No.: 6009

REMARKS

Claim 1 of the subject application has been amended to identify the disaccharide as "comprising" trehalose. See for, example, page 6, lines to 16 wherein the specification identifies the composition as comprising a disaccharide as an essential element, with disaccharides comprised of pentose or hexose sugars, being identified as preferred disaccharides, and trehalose as a particularly preferred disaccharide. New claim 16 follows the format of amended claim 1 except that component (i) is described as from 0.2 wt% to 3 wt% of a disaccharide "that consists essentially of trehalose". Applicants incorporate herein the remarks made in their prior amendment and respectfully submit that the specification of trehalose as a required component of the subject compositions moots the outstanding art rejections applied against the subject claims.

With respect to the provisional "obviousness-type" double patenting rejection over later filed U.S. Serial No. 11/547,577 and US Serial No. 11/547,576 (both filed December 20, 2007), Applicants respectfully request that this provisional rejection be withdrawn in this earlier filed application. A supplemental Information Disclosure Statement has been filed in US. Serial Nos. 11/547,577 and 11/547,576, in which the existence of this rejection is noted, together with Applicants' request to remove such rejection from this earlier filed application. It is respectfully submitted that the Examiner of the later filed applications can determine whether to apply such a rejection at such time as the claims of the later filed applications are deemed allowable, having considering any amendments that may have been made therein. See Section 804 of the MPEP at pages 800-17 to 800-18.

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In view of the subject amendments and remarks, reconsideration and allowance of the subject claims is respectfully requested. If a telephone conversation would be of assistance in advancing the prosecution of the present application, applicants' undersigned attorney invites the Examiner to telephone at the number provided.

Respectfully submitted,

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